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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we turn to You this morning aware of our insufficiency. We are but burning candles lashed by winds that mock our boasting pride. Remind us that human efforts and ingenuity are powerless without You. You alone, O Lord, deserve honor and praise, for power, glory, and victory belong to You.

Infuse our lawmakers with Your might. Be for them as the shadow of a great rock in a weary land. Give them some wisdom, Lord, that their labors will enable America to stand with freedom's lamp aloft as a beacon of hope for our world. As our Senators tackle today's tasks, make them conscious of their great heritage of liberty and justice for all. May no weapon that is formed be able to defeat this land we love. We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 today, with the time equally divided between the two leaders or their designees. This period of morning business will give Senators an opportunity to pay tribute to our colleague, the late Senator Ted Kennedy.

Following morning business, the Senate will proceed to executive session and resume debate on the nomination of Cass Sunstein to be Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget.

Yesterday, cloture was invoked on the nomination. Senators will be notified when the vote on confirmation of the nomination is scheduled.

As a reminder to Senators, at 2:45 p.m. today, Senator-designate GEORGE LEMIEUX will be sworn in as a Senator from the State of Florida, replacing Mel Martinez.

Following disposition of the Sunstein nomination—and I have had conversations with floor staff, both Democratic and Republican, to see if we can move forward on an appropriations bill. Senator MCCONNELL and I have talked about trying to get as many done as we can. We have four done, and we have eight to go.

### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. REID. “A freshmen Senator should be seen, not heard; should learn, and not teach.”

Mr. President, that is a quote from Senator Ted Kennedy. These are the very first words he spoke on the floor of this Chamber. He was hesitant to rise and speak that April day when he said those words. He had been a Senator for less than 18 months. The country was still reeling from President Kennedy's death just months before.

But the question before the Senate was the Civil Rights Act of 1964, and Senator Kennedy knew he could hold his tongue no longer.

He rose to speak because he loved his country. He waited as long as he did to give that maiden speech because he loved this institution. In that speech, he said a Senator of his stature at the time should be seen and not heard. But 45 years later, we can still hear his great booming voice. He said young Senators should learn and not teach. But who can list all we learned from his leadership?

It was a thrill to work with Ted Kennedy personally. He was a friend, the model of public service, and an American icon. He was a patriarch of both the Kennedy family and the Senate family. Together, we mourn his loss.

At so many difficult times in their family's history, the Kennedys have turned to their Uncle Teddy for comfort. At so many critical times in our country's history, America has turned to Ted Kennedy for the same.

We can all remember how he walked solemnly with the grieving First Lady at Arlington National Cemetery. We can remember how his deep love for his brother helped him somehow summon the strength to deliver a defining eulogy in New York. We can all remember how, as patriarch, he memorialized his nephew off the shores of Massachusetts.

For decades, Ted Kennedy was a rock to his family. The impact he has etched

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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into our history will long endure. It is now left to us to remember the man who helped remember the lives of so many others. He was a very famous man. If you take the subway, people would always come up to Senator Kennedy. I would joke with him, "Ted, are they coming for me or for you?" It was obvious whom they were coming for. It was a joke.

Ted was so good. When he thought you did something well, he would drop you a note or give you a call. It meant a lot to me that he would take the time to do that. I have come to learn since his death that he did that for so many people. You didn't have to be a Senator. He would do that for anybody whom he thought deserved a pat on the back. It is up to us to celebrate a Senator who helped so many live better lives.

I have long been a devotee of the Kennedys and an admirer of their service to our Nation. As a student at Utah State University, I founded the first Young Democrats Club—in that bastion of Republicanism. I worked for President Kennedy's election in 1960.

A week before President Kennedy took the oath of office and implored us to ask what we can do for our country, John Kennedy sent me a personal letter of thanks. He had won the election, but he had not yet been inaugurated.

That letter still hangs at the doorway of my Capitol office, just a few feet off the Senate floor, where the three youngest Kennedy brothers ably served. That letter he sent me was for the work I did out West for that campaign.

Many times, Ted would come to my office, and he would stop and look at that letter. He would always say, "That's his signature," indicating that some staff hadn't signed it or some machine hadn't signed it. He was proud that his brother had done what he learned from his brother to do—send these very meaningful letters. He was proud of his brother. He was proud of his own work in the Western States during the 1960 race and proud that I kept that memento in such a prominent place.

President-elect Kennedy's letter was short, but it overflowed with optimism. He wrote to me that the incoming era would allow us to "make our country an even better place for our citizens to live, as well as to strengthen our country's position of leadership in the world." Think how I felt getting that letter. I was still a student.

Ted Kennedy shared the dream his brother had, and he never stopped working to realize it.

Ted Kennedy's legacy stands with the greatest, the most devoted, the most patriotic men and women to ever serve in these Halls. Because of Ted Kennedy, more young children could afford to become healthy. Because of Ted Kennedy, more young adults could afford to become college students. Because of Ted Kennedy, more of our oldest and poorest citizens could get the

care they need to live longer, fuller lives. Because of Ted Kennedy, more minorities, women, and immigrants could realize the rights our founding documents promised them. Because of him, more Americans could be proud of their country.

Ted Kennedy came from a family of great wealth and status. He didn't need to work hard for himself. So he chose a life of working hard for others. When he was admitted to the Massachusetts bar in 1959, the application asked him to state his main ambition. Ted Kennedy answered: "The public service of this State."

To quote one of his favorite poems—the Robert Frost verses that now rest on his desk on the Senate floor—that has made all the difference.

Ted Kennedy's America was one in which all could pursue justice, enjoy equality, and know freedom. That is Ted Kennedy.

Ted's life was driven by his love of a family who loved him and his belief in a country that believed in him. Ted's dream was the one for which the Founding Fathers fought and which his brothers sought to realize.

The liberal lion's mighty roar may now fall silent, but his dream shall never die. One of his older brothers was killed in World War II. He was a pilot going into a mission, and he recognized going into it he would probably never come back. His other brother—the President—was assassinated. His other brother, as a Senator running for President, was assassinated.

Again, Senator Kennedy's dream shall never die.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I, too, would like to speak of our departed colleague, Ted Kennedy, whose passing last month focused the attention of the Nation and whose extraordinary life has been memorialized over these past weeks in so many poignant stories and heartfelt expressions of gratitude and grief.

Today, the Senate also grieves—not only because he was a friend but because the Senate was so much a part of who he was and because he became so much a part of the Senate.

The simplest measure is sheer longevity. At the time of his death, Ted could call himself the third longest-serving Senator in history, having served almost one-fifth of the time the Senate itself has existed. Or consider this: When I was an intern here in the sixties, Ted was already a well-known Senator. When I was elected to the Senate nearly a quarter of a century ago, Ted had already been here for nearly a quarter of a century. He served with 10 Presidents or nearly 1 out of every 4 of them.

No one could have predicted that kind of run for Ted on the day he became a Senator back on November 7, 1962—no one, that is, except maybe Ted. Ted had signaled what his legacy

might be as far back as 1965, when he spoke of setting a record for longevity. Mike Mansfield saw a glimpse of it, too, a few years later. When somebody mentioned Ted as a possible Presidential candidate, Mansfield responded:

He's in no hurry. He's young. He likes the Senate. Of all the Kennedys, he is the only one who was and is a real Senate man.

As it turned out, Mansfield was right. But Ted knew even then that his legacy as a lawmaker would not come about just by sitting at his desk; he would have to build it. And over the course of the next 47 years, that is exactly what he did, slowly, patiently, doggedly, making his mark as much in tedious committee hearings as on the stump, as much in the details of legislation as in its broader themes.

Ted's last name ensured he was already one of the stars of American politics even before he became a Senator. To this day, he is still the only man or woman in U.S. history to be elected to the Senate while one of his relatives sat in the White House. But to those who thought Ted, even if elected, would avoid the rigors of public life, he became a living rebuke. In short, he became a Senator.

He surprised the skeptics, first of all, with his friendliness and his wit. When he made his national political debut in 1962 on "Meet the Press," a questioner asked him if maybe there were already too many Kennedys. His response: "You should have talked to my mother and father . . ."

Russell Long was an early admirer. In what has to go down as one of the falsest first impressions in modern politics, Long spoke approvingly of the new Senator from Massachusetts as "a quiet . . . sort of fellow."

Ted got along with everybody. The earliest memories family members have are of Ted laughing and making other people laugh. His secret weapon then, and years later, as CHRIS DODD rightly pointed out at one of the memorial services, was simply this: People liked him, so much so that he could call people such as Jim Eastland, somebody with whom he had absolutely nothing in common, a friend.

Ted had learned early on that he could be more effective through alliances and relationships than by hollering and carrying on. We all know he did a fair amount of that as well. He provided some of the best theater the Senate has ever known. But once he left the Chamber, he turned that off. He sought out allies wherever he could find them—Strom Thurmond, Dan Quayle, ORRIN HATCH, JOHN MCCAIN, and even George W. Bush—and he earned their cooperation by keeping his word and through thousands of small acts of kindness. Senator MCCAIN has recounted the birthday bash Ted threw 10 years ago for his son Jimmy's 11th birthday. Senator BARRASSO remembers the kindness Ted showed him as a new Senator. And Senator BARRASSO's family will long remember how much time Senator Kennedy spent

sharing stories with them at the reception after the swearing in and that he was one of the last ones to leave.

Like so many others, I have known Ted's graciousness firsthand. Anyone who watches C-SPAN2 could see Ted railing at the top of his lungs against my position on this policy or that policy. What they didn't see was the magnificent show he put on a few years ago in Kentucky at my invitation for students at the University of Louisville or the framed photo he gave me that day of my political role model, John Sherman Cooper. I interned for Cooper as a young man. Ted knew that, and he knew Cooper was a good friend and neighbor of his brother Jack's.

Ted's gregariousness was legendary, but his passion and intensity as a lawmaker would also reach near-mythic proportions in his own lifetime. Even those of us who saw the same problems but different solutions on issue after issue, even we could not help but admire the focus and the fight Ted brought to every debate in which he played a part. Over the years, we came to see what he was doing in the Senate.

When it came to Ted's future, everyone was always looking at it through the prism of the Presidency. They should have focused on this Chamber instead. It was here that he slowly built the kind of influence and voice for a national constituency that was common for Senators in the 19th century but extremely rare in the 20th.

He became a fiery spokesman for liberals everywhere. Ted and I would have had a hard time agreeing on the color of the carpet when we were in the Chamber together. Yet despite his public image as a liberal firebrand, he was fascinated by the hard work of creating consensus and jumped into that work, even toward the end, with the enthusiasm of a young staffer. Ted's high school teammates recall that he never walked to the huddle; he always ran. Anyone who ever sat across from Ted at a conference table believed it.

Ted realized Senators could do an awful lot once they got past the magnetic pull Pennsylvania Avenue has on so many Senators. His brother Jack once said that as a Senator, he thought the President had all the influence, but it wasn't until he was President that he realized how much influence Senators had. It was a similar insight that led Ted to tell a group of Boston Globe reporters in 1981 that for him, the Senate was fulfilling, satisfying, challenging, and that he could certainly spend his life here, which, of course, he did. Then, when it was winding down, he saw what he had done as a Senator and what the Senate had done for him. He wanted others to see it too, so he set about to establish the Edward M. Kennedy Institute for the United States Senate, a place that would focus on this institution the way Presidential libraries focus on Presidents.

The Founders, of course, envisioned the legislative and executive branches as carrying equal weight. Article I is

about Congress, after all, not the Presidency. His life and legacy help restore that vision of a legislative counterweight of equal weight. That is an important institutional contribution every Senator can appreciate. It is something he did through hard work, tenacity, and sheer will. It was not the legacy most expected, but it is the legacy he wrought, and in the end he could call it his own.

Toward the end of his life, one of the great lawmakers of the 19th century, Henry Clay, was asked to speak to the Kentucky General Assembly. Thanks to Clay's efforts, the Compromise of 1850 had just been reached, and Clay had become a national hero through a job he had spent most of his career trying to escape. His speech received national coverage, and, according to one biographer, all acknowledged his privileged station as an elder statesman.

For years, Clay had wanted nothing more than to be President of the United States. But now, after this last great legislative victory, something else came into view. Clay told the assembled crowd that day that in the course of months and months of intense negotiations leading up to the Great Compromise, he had consulted with Democrats just as much as he had with members of his own party and found in them just as much patriotism and honor as he had found with the Whigs. The whole experience had moved Clay away from party rivalry, he said, and toward a new goal. "I want no office, no station in the gift of man," he said, "[except] a warm place in your hearts."

Every man has his own story. Ted Kennedy never moved away from party rivalry. He was a fierce partisan to the end. But over the years, he reminded the world of the great potential of this institution and even came to embody it. We will never forget the way he filled the Chamber with that booming voice, waving his glasses at his side, jabbing his fingers at the air, or the many times we saw him playing outside with his dogs. How many times did we spot him coming through the doorway or onto an elevator, his hair white as the surf, and think: Here comes history itself.

As the youngest child in one of the most influential political families in U.S. history, Ted Kennedy had enormous shoes to fill. Yet in nearly 50 years of service as a young Senator, a candidate for President, a legislative force, and an elder statesman, it is hard to argue that he didn't fill those shoes in a part he wrote all by himself.

It is hard to imagine the Senate without Ted thundering on the floor. It will be harder still, I am sure, for the Kennedy family to think of a future without him. You could say all these things and more about the late Senator from Massachusetts, and you could also say this: Edward Moore Kennedy will always have a warm place in our hearts.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 12:30 p.m., with the time equally divided and controlled between the two leaders or their designees.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield myself such time as I might use.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

## REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. KERRY. Mr. President, I thank Majority Leader REID and Minority Leader MCCONNELL for the time they have set aside for us today to remember Ted Kennedy, our beloved colleague, my senior Senator for nearly a quarter of a century, a friend, a man I met first and who had great influence on me in politics back in 1962 when, as a young, about-to-be college student, I had the privilege of working as a volunteer in his first campaign for the Senate.

It is difficult to look at his desk now cloaked in the velvet and the roses, a desk from which he championed so many important causes, a desk from which he regaled us, educated us, and befriended us for so many years, and even more difficult for us to think of this Chamber, our Nation's Capital, or our country without him.

On many occasions in the Senate, he was the indispensable man. On every occasion in this Chamber and out, he was a man whose heart was as big as heaven, whose optimism could overwhelm any doubter, and whose joy for life was a wonderfully contagious and completely irresistible thing.

Ted loved poetry, and though the verse was ancient, the poet could have had Ted in mind when he wrote:

One must wait until the evening to see how splendid the day has been.

Our day with Ted Kennedy was, indeed, splendid, its impact immeasurable. Just think for a moment what a different country we lived in before Ted Kennedy came to the Senate in 1962 and what a more perfect Union we live in for the 47 years he served here. Before Ted Kennedy had a voice in the Senate and a vote in the Senate, there was no Civil Rights Act, no Voting Rights Act, no Medicare, no Medicaid, no vote for 18-year-olds, no Martin Luther King, Jr., holiday, no Meals on Wheels, no equal funding for women's collegiate sports, no State health insurance program, no Family Medical Leave Act, no AmeriCorps, no National Service Act. All of these are literally just a part of Ted's legislative legacy.